

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 21

Filed by: Trial Section Merits Panel
Box Interference
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT M. WAYMOUTH,
ELISABETH HAUPTMAN, and GEOFFREY W. COATES,

Junior Party,
(Patent Application 09/110,691),

v.

JOHANNES A.M. VAN BEEK,
JOHANNES G. DE VRIES, HENRICUS J. ARTS,
RADJINDRAKUMAR PERSAD, and GERARDUS H.J. VAN DOREMAELE

Senior Party,
(Patent 5,646,322).

Patent Interference No. 104,674

Before TORCZON, GARDNER-LANE, and MEDLEY, Administrative Patent Judges.

GARDNER-LANE, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Senior party Van Beek has requested entry of adverse
judgment (37 CFR § 1.662(a)) (Paper 20).

ORDER

Upon consideration of the record of the interference, it is ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against senior party JOHANNES A.M. VAN BEEK, JOHANNES G. DE VRIES, HENRICUS J. ARTS, RADJINDRAKUMAR PERSAD, and GERARDUS H.J. VAN DOREMAELE;

FURTHER ORDERED that senior party JOHANNES A.M. VAN BEEK, JOHANNES G. DE VRIES, HENRICUS J. ARTS, RADJINDRAKUMAR PERSAD, and GERARDUS H.J. VAN DOREMAELE, is not entitled to a patent containing claims 1, 4, 10, and 13 of patent 5,646,322, which correspond to Count 1;

FURTHER ORDERED that, if there is a settlement agreement between the parties, the parties are directed to 35 USC § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of Waymouth's 09/110,691 application and Van Beek's 5,646,322 patent.

_____ RICHARD TORCZON Administrative Patent Judge))))))	
_____ SALLY GARDNER-LANE Administrative Patent Judge)))))	BOARD OF PATENT APPEALS AND INTERFERENCES
_____ SALLY C. MEDLEY Administrative Patent Judge))))	

cc (via facsimile and first class mail):

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in interest: The Board of Trustees of
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